

REMARKS

Claims 14 to 16, 22 , and 33 to 35 are canceled without prejudice, and therefore claims 13, 17 to 21, and 23 to 32 are now pending in the present application.

In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for indicating that claims 22 to 27 and 30 to 35 contain allowable subject matter. While the objections may not be agreed with, to facilitate matters, the claims have been rewritten. In particular, claim 13 now includes the features of claim 33, which has been canceled without prejudice. Claims 34 and 35, which depend from claim 33, have also been canceled without prejudice, since their features are found in claims 17 and 18, which depend from claim 13, as presented. Claim 19 now includes the features of claim 22, which has been canceled without prejudice. Claims 23, 24 and 25 have been rewritten as independent claims to include the features of claim 19. Accordingly, claims 13, 17 to 21, and 23 to 32 are allowable. It is therefore respectfully requested that the objections be withdrawn.

With regard to paragraph four (4), claims 13 to 18 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,208,923 (the “Hommel” reference) in view of Shimizu, U.S. Published Patent App. No. 2002/0166716.

With regard to paragraph five (5), claims 19, 20 and 28 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,828,972 (the “Asanuma” reference) in view of Shimizu, U.S. Patent No. 6,041,884.

With regard to paragraph six (6), claim 21 was rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,828,972 (the “Asanuma” reference) in view of Shimizu, U.S. Patent No. 6,041,884, and in further view of Husain, U.S. Published Patent App. No. 2005/0082108.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This

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teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, the claims have been rewritten. In particular, claim 13 now includes the features of claim 33, which has been canceled without prejudice. Claims 34 and 35, which depend from claim 33, have also been canceled without prejudice, since their features are found in claims 17 and 18, which depend from claim 13, as presented. Claim 19 now includes the features of claim 22, which has been canceled without prejudice. Claims 23, 24 and 25 have been rewritten as independent claims to include the features of claim 19. Accordingly, claims 13, 17 to 21, and 23 to 32 are allowable. It is therefore respectfully requested that the obviousness rejections be withdrawn.

Accordingly, claims 13, 17 to 21, and 23 to 32 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that claims 13, 17 to 21, and 23 to 32 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

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By: 

Gerard A. Messina
(Reg. No. 35,952)

One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646

1862556

*Reg. no.
33,865
Herald
DEBIT*